



**U.S. Department of Justice**

*United States Attorney*

*Eastern District of Pennsylvania*

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FOR IMMEDIATE RELEASE

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**PHYSICIANS AND PHARMACISTS CHARGED WITH  
MARKETING HUNDREDS OF THOUSANDS OF FREE  
DRUG SAMPLES**

**Defendants Allegedly Bought, Sold, And Billed For Free Drug Samples**

PHILADELPHIA – United States Attorney Patrick L. Meehan today announced the filing of 4 Informations<sup>1</sup> against 3 pharmacists and 2 physicians relating to the illegal sale, dispensing, and billing to third-party payers of prescription drug samples. These Informations, along with cases filed already, allege that hundreds of thousands of prescription drug samples were illegally sold to pharmacists by physicians and drug representatives who, in turn, dispensed, billed and received reimbursement from pharmacy benefit managers and other third-party payers for these free drug samples.

“This is not only a deliberate violation of the law but it is also an abuse of the trust and confidence consumers place in their physicians and pharmacists,” said Meehan. “This kind of behavior can have consequences for patients who have no idea that they’re getting potentially expired and/or misbranded medication because their pharmacist or physician is trying to manipulate the system for his own financial benefit.”

In the first Information, the government alleges that defendants, Mark Rubin, R. Ph. and Bruce Goldberg, R.Ph. engaged in a conspiracy to commit health care fraud and the illegal sales of prescription drug samples. Specifically, physicians and drug representatives were recruited by these pharmacists to provide drug samples in exchange for cash. Once obtained, the drug samples were then removed from their individualized packaging and placed into the inventory of Summerdale Pharmacy, K&A Pharmacy, and Marcus Foster Pharmacy-Tioga. In the process,

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<sup>1</sup> An Indictment or Information is an accusation. A defendant is presumed innocent unless and until proven guilty.

the original expiration date and lot number are lost, impeding the ability to conduct effective recalls. The samples were then sold to consumers and billed to pharmacy benefits managers.

The Information alleges that Rubin paid his suppliers \$500,000 during this scheme and that Goldberg paid his suppliers approximately \$250,000. Rubin has since sold Summerdale Pharmacy and Goldberg has sold K&A Pharmacy and Marcus Foster Pharmacy-Tioga.

If convicted, Rubin and Goldberg each face a maximum sentence of 20 years in prison, a \$500,000 fine and three years of supervised release.

In a separate Information filed today, Howard Dall, R. Ph. was charged with similar conduct that occurred at his pharmacies, Ralph's Pharmacy and Gladwyne Pharmacy. It is alleged that Dall received prescription drug samples from physicians, pharmacists and pharmaceutical drug representatives. Dall has sold both of his pharmacies. If convicted, Dall faces a maximum sentence of 20 years in prison, a \$500,000 fine and three years of supervised release.

Also charged today in two separate Informations were Philip Lipson, D.O. and Richard Koff, M.D. As alleged in the Informations, both of these physicians sold prescription drug samples to a pharmacist (Mark Rubin) after having been approached by Rubin. If convicted, Dr. Lipson and Dr. Koff each face a maximum sentence of 10 years in prison, a \$250,000 fine and three years of supervised release.

All defendants are charged with violations of The Prescription Drug Marketing Act which was enacted in 1988 for several reasons, one being that "the existing system of providing drug samples to physicians through manufacturer's representatives has been abused for decades and has resulted in the sale to consumers of misbranded, expired, and adulterated pharmaceuticals."

Other cases filed to date:      U.S. v. Randy Barnett, D.O., Criminal No. 04-587  
   U.S. v. Andrew Poulshock, D.O., Criminal No. 04-561  
   U.S. v. William Szymanski, Criminal No.04-511  
   U.S. v. Kenneth Walsh, Criminal No. 04-679

INFORMATION REGARDING THE DEFENDANTS

NAME	ADDRESS	AGE
MARK RUBIN, R.PH.	SOUTHAMPTON, PA	51

NAME	ADDRESS	AGE
BRUCE GOLDBERG, R.PH.	HUNTINGDON VALLEY, PA	53
HOWARD DALL, R.PH.	AMBLER, PA	58
RICHARD KOFF, M.D.	SOUTHAMPTON, PA	47
PHILIP LIPSON, D.O.	SOUTHAMPTON, PA	54

The cases were investigated by the FDA's Office of Criminal Investigations and have been assigned to Assistant United States Attorney David R. Hoffman.

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